



Billing Code: 4210-67

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-5997-N-39]

60-Day Notice of Proposed Information Collection: Implementation of the Violence Against Women Reauthorization Act of 2013

AGENCY: Offices of Housing, Public and Indian Housing, and Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: Comments Due Date: **[Insert date that is 60 days after the date of publication in the Federal Register.]**

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street, SW, Room 4176, Washington, DC 20410-5000; email Colette.Pollard@hud.gov or telephone 202-402-3400 (this is not a toll-free number). Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877-8339. Interested persons may also submit comments electronically through the Federal eRulemaking Portal at www.regulations.gov. HUD strongly

encourages commenters to submit comments electronically. Electronic submission of comments allows the commenter maximum time to prepare and submit a comment, ensures timely receipt by HUD, and enables HUD to make them immediately available to the public. Comments submitted electronically through the www.regulations.gov website can be viewed by other commenters and interested members of the public. Commenters should follow the instructions provided on that site to submit comments electronically.

FOR FURTHER INFORMATION, CONTACT: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street, SW, Washington, DC 20410; e-mail Colette Pollard at Colette.Pollard@hud.gov or telephone 202-402-3400. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877-8339.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Implementation of the Violence Against Women

Reauthorization Act of 2013

OMB Approval Number: 2577-0286

Type of Request (i.e. new, revision or extension of currently approved collection): Revision of currently approved collection.

Form Number: Forms HUD-5380, HUD-5381, HUD-5382, and HUD-5383

Other: Emergency transfer reporting, lease addenda, and lease bifurcation

Description of the need for the information and proposed use:

The Violence Against Women Reauthorization Act of 2013 (VAWA 2013), Public Law 113-4, 127 Stat. 54, reauthorized and amended the Violence Against Women Act of 1994, as previously amended (title IV, sec. 40001-40703 of Public Law 103-322, 42 U.S.C. 13925 et seq.). In doing so, VAWA 2013 expanded VAWA protections from HUD's Section 8 and Public Housing programs only to many of HUD's housing programs. The programs now covered under the final VAWA Rule include:

- Section 202 Supportive Housing for the Elderly (12 U.S.C. 1701q);
- Section 811 Supportive Housing for Persons with Disabilities (42 U.S.C. 8013);
- Housing Opportunities for Persons with AIDS (HOPWA) program (42 U.S.C. 12901 et seq.);
- HOME Investment Partnerships (HOME) program (42 U.S.C. 12741 et seq.);
- Homeless programs under title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360 et seq.), including the Emergency Solutions Grants (ESG) program, the Continuum of Care (CoC) program, and the Rural Housing Stability (RHS) Assistance program;
- Multifamily rental housing under section 221(d)(3) of the National Housing Act (12 U.S.C. 17151(d)) with a below-market interest rate (BMIR) pursuant to section 221(d)(5);
- Multifamily rental housing under section 236 of the National Housing Act (12 U.S.C. 1715z-1);

- HUD programs assisted under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.); specifically, public housing under section 6 of the 1937 Act (42 U.S.C. 1437d), tenant-based and project-based rental assistance under section 8 of the 1937 Act (42 U.S.C. 1437f), and the Section 8 Moderate Rehabilitation Single Room Occupancy; and
- The Housing Trust Fund (12 U.S.C. 4568).

The provisions of VAWA 2013 that afford protections to victims of domestic violence, dating violence, sexual assault, or stalking are statutory and statutorily directed to be implemented. Accordingly, on November 16, 2016, HUD published a final rule at 81 FR 80724 (VAWA Rule), implementing VAWA 2013's provisions in its housing programs.

To fully implement these provisions under VAWA 2013 and the VAWA Rule, the Department must provide to all PHAs, owners and managers, and grant recipients (collectively "Covered Housing Providers" or "CHPs") the three following model documents:

- Form HUD-5380: Notice of Occupancy Rights Under the Violence Against Women Act. HUD must provide this notice to CHPs, which must in turn distribute it to tenants and to applicants denied assistance to ensure they are aware of their rights under VAWA and its implementing regulations.
- Form HUD-5381: Model Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking. HUD must provide this model document to CHPs, which may, at their discretion, use it to develop their own emergency transfer plans, as required under VAWA 2013.
- Form HUD-5382: Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternate Documentation. HUD must provide this

certification form to CHPs, which must in turn distribute it to tenants and applicants. An individual may then optionally submit the form, certifying that he or she is a victim of domestic violence, dating violence, sexual assault, or stalking and that the incident in question is bona fide. The certification form serves as one tool for documenting the incident or incidents of domestic violence, dating violence, sexual assault, or stalking. (Note: This is a revision of and supersedes forms HUD-50066 and HUD-91066. VAWA 2013 required that the form be updated and made applicable to all covered programs.)

Tenants may provide third-party documentation along with or in lieu of form HUD-5382. The VAWA regulation stipulates that one such document –

- A. Be signed by an employee, agent, or volunteer of a victim service provider, an attorney, or medical professional, or a mental health professional (collectively, “professional”) from whom the victim has sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse;
- B. Be signed by the applicant or tenant; and
- C. Specifies, under penalty of perjury, that the professional believes in the occurrence of the incident of domestic violence, dating violence, sexual assault, or stalking and that the incident meets the applicable definition of domestic violence, dating violence, sexual assault, or stalking.

If an applicant or tenant submits such a statement, the corresponding professional may have to create or research documentation to accurately complete and maintain a record of the form

HUD provides form HUD-5383: Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking to CHPs, which may, at their

discretion, distribute it to tenants and applicants. This form serves as a model for use by a CHP to accept requests for emergency transfers under its required VAWA 2013 Emergency Transfer Plan. This form allows an individual to submit and certify that they are a victim of domestic violence, dating violence, sexual assault, or stalking and that the incident in question is bona fide for purposes of being eligible for an emergency transfer. Thus, it serves as another tool for documenting the incident or incidents of domestic violence, dating violence, sexual assault, and stalking.

VAWA 2013 and/or the VAWA rule require or permit that CHPs also undertake certain activities as follows:

- Emergency Transfer Reporting: CHPs must keep a record of all emergency transfers requested under its emergency transfer plan, and the outcomes of such requests, and retain these records for a period of three years, or for a period of time as specified in program regulations. Requests and outcomes of such requests must also be reported to HUD annually.
- The VAWA regulation includes certain requirements that must be incorporated into the tenant's lease.
- Lease Bifurcation Option: VAWA 2013 provides CHPs the option to bifurcate a lease in order to evict, remove, terminate occupancy rights, or terminate assistance to any individual who is a tenant or lawful occupant of the housing and who engages in criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking. This option is designed to minimize the loss of housing to individual(s) covered under VAWA.

Respondents (i.e. affected public): Public housing agencies, private multifamily housing owners and management agents, state and local agencies, and grant recipients.

Estimated Number of Respondents: 30,087

Estimated Number of Responses: 7,941,827

Frequency of Response: Varies

Average Hours per Response: 1.4

Total Estimated Hour Burden: 3,269,550

B. Proposed Changes to the Forms

The OMB approved forms HUD-5380, HUD-5381, HUD-5382, and HUD-5383 are being revised to more closely align with the VAWA regulation and to clarify language. In addition to minor changes, HUD proposes to make the following specific changes:

Form 5380: Clarify the “Tenant Protections” and “Removing the Abuser or Perpetrator from the Household” sections to align with the regulations and provide more information about bifurcation. Rename “Moving to Another Unit” to “Emergency Transfer” and include more emergency transfer language. Add language in the “Documenting That You Are or Have Been a Victim” section about reasonable accommodations and update the language for consistency with the regulation. Lastly, update the “Confidentiality” section to more closely follow the regulation and put individuals on notice of confidentiality protections.

Form 5381: Add a note to covered housing providers that the use of the model form without adding program specific and housing provider specific policies will not be sufficient to meet the emergency transfer plan requirements. Add a definition section with definitions taken from the regulation. Rename the section titled “Emergency Transfer Timing and Availability” to “Emergency Transfer Procedures” and add two new sections, “Emergency Transfer Policies” section, which clarifies that the provider must specify their individual policies for different

categories of transfers (i.e. internal or external transfers) where applicable, and a “Priority for Transfers” section, which requires providers to provide any type of priority being provided to a victim consistent with 24 CFR 5.2005(e)(3) and (e)(6). Update the “Confidentiality” section to more closely follow the regulation and put individuals on notice of confidentiality protections. Lastly, add a “Making Plan Available” section to describe how the plan will be made publicly available, where possible.

Form 5382: Update the “Submission of Documentation” section to include information about reasonable accommodations. In addition, add a warning for making false submissions to ensure users of the form are aware of the legal nature of submitting false information to an entity when seeking access to Federal funds.

Form 5383: Update the “Confidentiality” section to more closely follow the regulation and put individuals on notice of confidentiality protections. Reframe question number 11 as a “Yes” or “No” question. Lastly, add a warning for making false submissions to ensure users of the form are aware of the legal nature of submitting false information to an entity when seeking access to Federal funds.

Drafts of the revised forms are being published along with this notice for the public to see the proposed changes.

C. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

- 1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

- 2) The accuracy of the agency's estimate of the burden of the proposed collection of information;
- 3) Ways to enhance the quality, utility, and clarity of the information to be collected; and
- 4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

D. Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: July 26, 2017.

Colette Pollard
Department Reports Management Officer
Office of the Chief Information Officer

[FR-5997-N-39]

Appendix A

[Insert Name of Housing Provider¹]

NOTICE OF OCCUPANCY RIGHTS UNDER THE VIOLENCE AGAINST WOMEN

ACT TO ALL TENANTS AND APPLICANTS

The Violence Against Women Act (VAWA) provides protections for victims of domestic violence, dating violence, sexual assault, or stalking. Notwithstanding the title of the statute, VAWA protections are not limited to women. Victims cannot be discriminated against on the basis of any protected characteristic, including race, color, national origin, religion, sex, familial status, disability, or age. HUD-assisted and HUD-insured housing must also be made available to all otherwise eligible individuals and families regardless of actual or perceived sexual orientation, gender identity, or marital status. The U.S. Department of Housing and Urban Development (HUD) is the Federal agency that oversees that **[insert name of program or rental assistance]** is in compliance with VAWA. This Notice explains your rights under VAWA with respect to housing and assistance² funded by HUD. A HUD-approved certification, form HUD-5382, is attached to this Notice. If you (the applicant or tenant) request protection under VAWA and you are asked to document that you are eligible for

¹ The notice uses HP for housing provider but the housing provider should insert its name where HP is used. HUD's program-specific regulations identify the individual or entity responsible for providing the Notice of Occupancy Rights.

² The applicable assistance provided under a covered housing program generally consists of two types of assistance (one or both may be provided): Tenant-based rental assistance, which is rental assistance that is provided to the tenant; and project-based assistance, which is assistance that attaches to the unit in which the tenant resides. For project-based assistance, the assistance may consist of such assistance as operating assistance, development assistance, and mortgage interest rate subsidy. The form of assistance covered is provided in the program regulations.

protection, you can fill out the HUD-approved certification form to show that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.

Protections for Applicants

If you are an applicant for assistance under **[insert name of program]** you may not be denied admission to or denied assistance under [insert name of program] on the basis or as a direct result of the fact that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking, if you otherwise qualify for assistance, participation, or occupancy.

Protections for Tenants

If you are a tenant housed or receiving assistance under **[insert name of program]** you may not be denied assistance under, terminated from participation in, or be evicted from the housing or assistance on the basis or as a direct result of the fact that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking, if you otherwise qualify for assistance, participation, or occupancy.

If you are a tenant under a covered housing program, you may not be denied tenancy or occupancy rights under **[insert name of program or rental assistance]** solely on the basis of criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking if: (i) the criminal activity is engaged in by a member of your household or any guest or other person under the control of you (the tenant), and (ii) if you (the tenant) or an affiliated individual of yours is or has been the victim of domestic violence, dating violence, sexual assault, or stalking.

Affiliated individual means your spouse, parent, brother, sister, or child, or a person to whom you stand in the place of a parent or guardian (for example, the affiliated individual is in your care, custody, or control); or any individual, tenant, or lawful occupant living in your household.

An incident of actual or threatened domestic violence, dating violence, sexual assault, or stalking shall not be construed as: a serious or repeated violation of a lease executed under **[insert name of program or rental assistance]** by you if you are the victim or threatened victim of such incident; or good cause for terminating your assistance, tenancy, or occupancy rights under **[insert name of program or rental assistance]** if you are the victim or threatened victim of such incident.

Removing the Abuser or Perpetrator from the Household

When a member of your household engages in criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking, [HP] may remove the abuser or perpetrator from your lease or otherwise “bifurcate” your lease in order to evict, remove, terminate occupancy rights, or terminate assistance to the abuser or perpetrator, without evicting, removing, terminating assistance to, or otherwise penalizing a victim of such criminal activity who is also a tenant or lawful occupant.

However, this bifurcation must be carried out in accordance with any requirements or procedures as may be prescribed by Federal, State, or local law for termination of assistance or leases and in accordance with any requirements under the relevant covered housing program. If [HP] removes the abuser or perpetrator through bifurcation, and that person was the eligible tenant under the program, [HP] must then allow any remaining tenant(s), who were not already eligible,

a period of time, as specified in the regulations that apply to [insert name of covered housing program], to establish eligibility under the same program or under another housing program covered by VAWA, or find alternative housing.

Before bifurcating a lease, [HP] may, but is not required to, ask you for documentation or certification of the incidence of domestic violence, dating violence, sexual assault, or stalking.

Emergency Transfer

If you (or a member of your household) are a tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking, you may seek an emergency transfer to another unit, provided that you meet the requirements for an emergency transfer, as further described below.

Before allowing an emergency transfer, [HP] may ask you to submit a written request or fill out form HUD-5383, in which you certify that you meet the criteria for an emergency transfer under VAWA. The criteria are:

(1) You, the tenant, (or a member of your household) are a victim of domestic violence, dating violence, sexual assault, or stalking. (If your housing provider does not already have documentation certifying that you are a victim of domestic violence, dating violence, sexual assault, or stalking, your housing provider may ask you for such documentation, as described in the documentation section below. In response, you may submit Form HUD-5382, or any one of the other types of documentation listed on that Form).

(2) You expressly request the emergency transfer. (Submission of form HUD-5383 confirms that you have expressly requested a transfer. Your housing provider may require that you submit this form or may accept another written or

oral request. See your housing provider's Emergency Transfer Plan for more details).

(3) (A) You reasonably believe you are threatened with imminent harm from further violence if you remain in your current unit. This means you have a reason to fear that if you do not receive a transfer you would suffer violence in the very near future.

OR

(B) You are a victim of sexual assault and the assault occurred on the premises during the 90-calendar-day period before you request a transfer.

If you are a victim of sexual assault, then in addition to qualifying for an emergency transfer because you reasonably believe you are threatened with imminent harm from further violence if you remain in your unit, you also qualify for an emergency transfer if the sexual assault occurred on the premises of the property from which you are seeking your transfer, and that assault happened within the 90-calendar-day period before you expressly request the transfer.

[HP] will keep requests for emergency transfers by victims of domestic violence, dating violence, sexual assault, or stalking, and the location of any move by such victims and their families in strict confidence.

[HP's] Emergency Transfer Plan provides further information on emergency transfers, and [HP] must make a copy of its emergency transfer plan available to you if you ask to see it.

Documenting That You Are or Have Been a Victim of Domestic Violence, Dating Violence, Sexual Assault or Stalking

[HP] can, but is not required to, ask you (the tenant or applicant) to provide documentation to “certify” that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking. The time period to submit documentation is 14 business days (Saturdays, Sundays, and Federal holidays do not count) from the date that you receive a written request from your housing provider asking that you provide documentation of the occurrence of domestic violence, dating violence, sexual assault, or stalking. Your housing provider may extend the time period to submit the documentation. If the requested information is not provided within 14 business days of when you received the request for the documentation, or any extension of the date provided by your housing provider, VAWA does not limit your housing provider’s authority to deny you admission, assistance, participation, or tenancy. However, other laws or regulations may require your housing provider to extend the time period to submit the documentation or have alternative documentation requirements. For example, if you have a disability, your housing provider must provide reasonable accommodations to afford you an equal opportunity to request VAWA protections (e.g. providing an extension of time or assisting with written requests). Failure to timely provide documentation of domestic violence, dating violence, sexual assault, or stalking does not prevent you from challenging the denial of assistance, termination, or eviction, nor does it prevent you from raising an incident of domestic violence, dating violence, sexual assault, or stalking at grievance, eviction, or termination proceedings.

You can provide one of the following to [HP] as documentation. It is your choice which of the following to submit:

- A completed HUD-approved certification, form HUD-5382, that is attached to this Notice and which may be used to document an incident of domestic violence, dating violence, sexual assault, or stalking. The form will ask for your name, the date, time, and location of the incident of domestic violence, dating violence, sexual assault, or stalking, and a description of the incident. The certification requests the name of the abuser or perpetrator if the name of the abuser or perpetrator is known and is safe to provide. [HP] must make the certification form available to you in multiple languages.
- A record of a Federal, State, tribal, territorial, or local law enforcement agency, court, or administrative agency that documents the incident of domestic violence, dating violence, sexual assault, or stalking. Examples of such records include police reports, protective orders, and restraining orders, among others.
- A statement signed by an employee, agent, or volunteer of a victim service provider, an attorney, a medical professional or a mental health professional from whom you sought assistance in addressing domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse. The statement must specify, under penalty of perjury, that this person believes in the occurrence of the incident of domestic violence, dating violence, sexual assault, or stalking for which you are seeking VAWA protection, and that the incident meets the applicable definition of domestic violence, dating violence, sexual assault, or stalking under HUD's regulations at 24 CFR 5.2003. You must also sign this statement.
- Any other statement or evidence that [HP] has agreed to accept.

If [HP] receives conflicting evidence that an incident of domestic violence, dating violence, sexual assault, or stalking has been committed (such as receiving certification forms from two or more members of a household each claiming to be a victim and naming one or more of the other petitioning household members as the abuser or perpetrator), [HP] has the right to request that you provide third-party documentation within thirty (30) calendar days to resolve the conflict. You can satisfy this request by providing any of the documentation described above, (except for the form HUD-5382). If you fail or refuse to provide third-party documentation when there is conflicting evidence, VAWA does not limit [HP's] authority to deny you admission, assistance, participation, or tenancy. However, other laws or regulations may require [HP] to extend the time period for submitting the documentation or have alternative documentation requirements. For example, if you have a disability, [HP] must provide reasonable accommodations to afford you an equal opportunity to request VAWA protections (e.g. providing an extension of time or assisting with written requests). Failure to timely provide third-party documentation where there is conflicting evidence of domestic violence, dating violence, sexual assault, or stalking does not prevent you from challenging the denial of assistance, termination, or eviction, nor does it prevent you from raising an incident of domestic violence, dating violence, sexual assault, or stalking at grievance, eviction, or termination proceedings.

Confidentiality

If you inquire about or request any of the protections described in this Notice or represent that you are a victim of domestic violence, dating violence, sexual assault, or stalking entitled to the protections under this Notice, [HP] must keep strictly confidential any information you provide concerning the incident(s) of domestic violence, dating violence, sexual assault, or stalking,

including the fact that you are a survivor. Information about the incident(s) and your status as a survivor, such as the information provided on forms HUD-5382 and HUD-5383, may only be accessed by [HP's] employees or contractors if explicitly authorized by [HP] for reasons that specifically call for those individuals to have access to the information under applicable Federal, State, or local law. Information about the incident(s) and your status as a survivor shall not be entered into any shared database or disclosed to any other entity or individual, except to the extent that disclosure is: (i) consented to by you in writing in a time-limited release; (ii) required for use in an eviction proceeding or hearing regarding termination of assistance, or (iii) otherwise required by applicable law. In addition, HUD's VAWA regulations require Emergency Transfer Plans to provide for strict confidentiality measures to ensure that the location of your dwelling unit is never disclosed to a person who committed or threatened to commit an act of domestic violence, dating violence, sexual assault, or stalking against you.

VAWA does not limit [HP's] duty to honor court orders about access to or control of the property. This includes orders issued to protect a victim and orders dividing property among household members in cases where a family breaks up.

Reasons a Tenant Eligible for Occupancy Rights under VAWA May Be Evicted or Assistance May Be Terminated

You can be evicted and your assistance can be terminated for serious or repeated lease violations that are not premised on an act or acts of domestic violence, dating violence, sexual assault, or stalking committed against you or an affiliated individual. However, [HP] cannot hold tenants who have been victims of domestic violence, dating violence, sexual assault, or stalking to a

more demanding set of rules than it applies to tenants who have not been victims of domestic violence, dating violence, sexual assault, or stalking.

The protections described in this Notice might not apply, and you could be evicted and your assistance terminated, if [HP] can demonstrate that not evicting you or terminating your assistance would present a real physical danger that:

- (1) Would occur within an immediate time frame and
- (2) Could result in death or serious bodily harm to other tenants or those who work on the property.

If [HP] can demonstrate this kind of danger, [HP] should only terminate your assistance or evict you if there are no other actions that could be taken to reduce or eliminate the threat.

Other Laws

VAWA does not replace any Federal, State, or local law that provides greater protection for victims of domestic violence, dating violence, sexual assault, or stalking. You may be entitled to additional housing protections for victims of domestic violence, dating violence, sexual assault, or stalking under other Federal laws, as well as under State and local laws. If you have a disability, [HP] must provide reasonable accommodations when necessary to allow you to equally benefit from VAWA protections.

Non-Compliance with The Requirements of This Notice

You may report [HP's] violations of these rights and seek additional assistance, if needed, by contacting or filing a complaint with **[insert contact information for any intermediary, if applicable]** or **[insert HUD field office]**.

For Additional Information

You may view a copy of HUD's final VAWA rule at **[insert Federal Register link]**.

Additionally, [HP] must make a copy of HUD's VAWA regulations available to you if you ask to see them.

For questions regarding VAWA, please contact **[insert name of program or rental assistance contact information able to answer questions on VAWA]**.

For help regarding an abusive relationship, you may call the National Domestic Violence Hotline at 1-800-799-7233 or, for persons with hearing impairments, 1-800-787-3224 (TTY). You may also contact **[Insert contact information for relevant local organizations]**.

For tenants who are or have been victims of stalking seeking help may visit the National Center for Victims of Crime's Stalking Resource Center at <https://www.victimsofcrime.org/our-programs/stalking-resource-center>.

For help regarding sexual assault, you may contact **[Insert contact information for relevant organizations]**

Victims of stalking seeking help may contact **[Insert contact information for relevant organizations]**.

Attachment: Certification form HUD-5382

Public reporting burden for this collection of information is estimated to range from 10 minutes to 1.5 hours per each covered housing provider's response, depending on covered housing program. This includes the time for printing and distributing the form. Housing providers distribute this Notice to tenants and to applicants at the times specified in 24 CFR 5.2005(a)(2) to ensure they are aware of their rights under VAWA and its implementing regulations. This is a model notice and no information is being collected. Covered housing programs in the Offices of Multifamily Housing, Public and Indian Housing, and Community Planning and Development are required to distribute this Notice. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid Office of Management and Budget control number.

Appendix B

Note to Covered Housing Providers: This model contains only general provisions of an emergency transfer plan that apply across the covered HUD programs. Adoption of this model plan without further information will not be sufficient to meet a covered housing provider's responsibility to adopt an emergency transfer plan. Covered housing providers must consult applicable regulations and program-specific HUD guidance when developing their own emergency transfer plans to ensure their plans contain all required elements.

MODEL EMERGENCY TRANSFER PLAN FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING

[Insert name of housing provider (acronym HP for purposes of this model plan)]

is concerned about the safety of its tenants, and such concern extends to tenants who are victims of domestic violence, dating violence, sexual assault, or stalking. In accordance with the Violence Against Women Act of 1994 (VAWA), HP allows any tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking to request an emergency transfer from the tenant's current unit to another unit. Notwithstanding the title of the statute, VAWA protections are not limited to women. Victims cannot be discriminated against on the basis of any protected characteristic, including race, color, national origin, religion, sex, familial status, disability, or age. HUD-assisted and HUD-insured housing must also be made available to all otherwise eligible individuals and families regardless of actual or perceived sexual orientation, gender identity, or marital status.

This plan identifies tenants who are eligible for an emergency transfer, the documentation needed to request an emergency transfer, confidentiality protections, how an emergency transfer may occur, and guidance to tenants on safety and security. This plan is based on Federal regulations at 24 Code of Federal Regulations (CFR) part 5, subpart L, and a model emergency transfer plan published by the U.S. Department of Housing and Urban Development (HUD), the

Federal agency that oversees that [insert name of program or rental assistance here] is in compliance with VAWA.

Definitions

External emergency transfer refers to an emergency relocation of a tenant to another unit where the tenant would be categorized as a new applicant; that is the tenant must undergo an application process in order to reside in the new unit.

Internal emergency transfer refers to an emergency relocation of a tenant to another unit where the tenant would not be categorized as a new applicant; that is, the tenant may reside in the new unit without having to undergo an application process.

Safe unit refers to a unit that the victim of domestic violence, dating violence, sexual assault, or stalking believes is safe.

Eligibility for Emergency Transfers

A tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking is eligible for an emergency transfer, if:

- (1) The tenant expressly requests the transfer, AND
- (2)(A) the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant remains within the same unit; OR
- (2)(B) in the case of a tenant who is a victim of sexual assault, either the tenant reasonably believes there is a threat of imminent harm from further violence if the tenant remains within the same dwelling unit that the tenant is currently occupying, or the

sexual assault occurred on the premises in the 90-calendar-day period preceding the request for an emergency transfer.

A tenant's reasonable belief that there is a threat of imminent harm from further violence may stem from an incident of domestic violence, dating violence, sexual assault, or stalking of a household member.

Tenants who are not in good standing may still request an emergency transfer if they meet the eligibility requirements in this section.

Emergency Transfer Policies

[Insert [HP]'s emergency transfer policies, including the following, where applicable:]

Internal transfers when a safe unit is immediately available: *[Insert HP's policies, including time frames, possible internal transfer locations, and priority status relative to other tenants seeking transfers.]*

Internal transfers when a safe unit is not immediately available: *[Insert HP's policies, including time frames, possible internal transfer locations, and priority status relative to other tenants seeking transfers.]*

External transfers: *[Insert HP's policies, including HP's role in facilitating transfers; providing referrals to community partners and affordable housing options, time frames, and priority status given to VAWA victims seeking external transfers into HP's property.]*

[Policies and procedures for residents with Housing Choice Vouchers or other tenant-based rental assistance.]

VAWA provisions do not supersede eligibility or other occupancy requirements that may apply under a covered housing program. [HP] may be unable to transfer a tenant to a particular unit if the tenant has not or cannot establish eligibility for that unit.

Emergency Transfer Request Documentation

To request an emergency transfer, the tenant shall notify [HP]'s management office and submit a written request for a transfer to **[HP to insert location]**. [HP] will provide reasonable accommodations to this policy for individuals with disabilities. The tenant's written request for an emergency transfer must include either:

1. A statement expressing that the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant were to remain in the tenant's current dwelling unit; OR
2. In the case of a tenant who is a victim of sexual assault, either a statement that the tenant reasonably believes there is a threat of imminent harm from further violence if the tenant remains within the same dwelling unit that the tenant is currently occupying, or a statement that the sexual assault occurred on the premises during the 90-calendar-day period preceding the tenant's request for an emergency transfer.

NOTE: CHPs are not required to request documentation from a tenant seeking an emergency transfer. However, if a CHP elects to require documentation from tenants seeking an emergency transfer then the documentation requirement must be included in the CHP's emergency transfer plan.

NOTE: CHPs do not have to require that emergency transfer requests be written. The request may be oral or written, at the CHP's option, but the CHP must make its policy and procedures clear in this plan.

Priority for Transfers

Tenants who qualify for an emergency transfer under VAWA will be given the following priority over other categories of tenants seeking transfers and individuals seeking placement on waiting lists. **[HP should explain any measure of priority given under this emergency transfer plan.]**

Confidentiality

[HP] must follow strict confidentiality measures to ensure that the location of the tenant's dwelling unit is never disclosed to a person who committed or threatened to commit an act of domestic violence, dating violence, sexual assault, or stalking against the tenant. In addition, [HP] must keep strictly confidential any information the tenant provides concerning the incident(s) of domestic violence, dating violence, sexual assault, or stalking, including the fact that the tenant is a survivor.

Information about the incident(s) and the tenant's status as a survivor, such as the information provided on forms HUD-5382 and HUD-5383, may only be accessed by employees or contractors of [HP's] if explicitly authorized by [HP] for reasons that specifically call for those individuals to have access to the information under applicable Federal, State, or local law.

Information about the incident(s) and the tenant's status as a survivor shall not be entered into any shared database or disclosed to any other entity or individual, except to the extent that disclosure is: (i) consented to by the tenant in writing in a time-limited release; (ii) required for use in an eviction proceeding or hearing regarding termination of assistance; or (iii) otherwise required by applicable law.

Emergency Transfer Procedure

[HP] cannot specify how long it will take to process a transfer request. [HP] will, however, act as quickly as possible to assist a tenant who qualifies for an emergency transfer. If [HP] identifies an available unit and the tenant believes that unit would not be safe, the tenant may request a transfer to a different unit. [HP] may be unable to transfer a tenant to a particular unit if the tenant has not or cannot establish eligibility for that unit.

If [HP] has no safe and available units for which the tenant is eligible, [HP] will assist the tenant in identifying other housing providers who may have safe and available units to which the tenant could move. At the tenant's request, [HP] will also assist tenants in contacting the local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking that are attached to this plan.

Making Plan Available

[Insert HP's policy for making the plan publicly available, when feasible.]

Safety and Security of Tenants

When [HP] receives any inquiry or request regarding an emergency transfer, [HP] will encourage the person making the inquiry or request to take all reasonable precautions to be safe, including seeking guidance and assistance from a victim service provider.

Tenants who are or have been victims of domestic violence will be encouraged to contact the National Domestic Violence Hotline at 1-800-799-7233, or a local domestic violence shelter, for assistance in creating a safety plan. For persons with hearing impairments, that hotline can be accessed by calling 1-800-787-3224 (TTY).

Tenants who have been victims of sexual assault will be encouraged to call the Rape, Abuse & Incest National Network's National Sexual Assault Hotline at 800-656-HOPE, or visit the online hotline at <https://ohl.rainn.org/online/>.

Tenants who are or have been victims of stalking seeking help will be encouraged to visit the National Center for Victims of Crime's Stalking Resource Center at <https://www.victimsofcrime.org/our-programs/stalking-resource-center>.

[HP] will also provide contact information for local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking.

NOTE: A section of the plan providing this information is encouraged, but not required.

NOTE: If housing providers have arrangements, including memoranda of understanding with other covered housing providers to facilitate moves, this information should be attached to the emergency transfer plan as well.

Public reporting burden for this collection of information is estimated to range from four to eight hours per each covered housing provider's response, depending on covered housing program. This includes the time to develop program and project-specific emergency transfer policies and develop contacts with local service providers. This is a model plan and covered housing providers in the Offices of Multifamily Housing, Public and Indian Housing, and Community Planning and Development may, at their discretion, use it to develop their own emergency transfer plans, as required under VAWA 2013. No information is being collected. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid Office of Management and Budget control number.

Appendix C

**CERTIFICATION OF
DOMESTIC VIOLENCE,
DATING VIOLENCE,
SEXUAL ASSAULT, OR STALKING,
AND ALTERNATE DOCUMENTATION**

**U.S. Department of Housing
and Urban Development**

OMB Approval No. 2577-0286
Exp. XXXX

Purpose of Form: The Violence Against Women Act (“VAWA”) protects applicants, tenants, and program participants in certain HUD programs from being evicted, denied housing assistance or admission, or terminated from housing assistance on the basis or as a direct result of the fact that the applicant or tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking. Despite the name of this law, VAWA protections are available to victims of domestic violence, dating violence, sexual assault, or stalking, regardless of sex, gender identity, or sexual orientation. Tenants and applicants may use this form to certify victim status and request VAWA protections.

Applicable Definitions Pursuant to HUD’s Regulations at 24 CFR 5.2003:

Domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction. The term “spouse or intimate partner of the victim” includes a person who is or has been in a social relationship of a romantic or intimate nature with the victim, as determined by the length of the relationship, the type of the relationship, and the frequency of interaction between the persons involved in the relationship.

Dating violence means violence committed by a person:

- (1) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- (2) Where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship; (ii) The type of relationship; and (iii) The frequency of interaction between the persons involved in the relationship.

Sexual assault means any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.

Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- (1) Fear for the person's individual safety or the safety of others or
- (2) Suffer substantial emotional distress.

Use of This Optional Form: If you are seeking VAWA protections from your housing provider, your housing provider may give you a written request that asks you to submit documentation about the incident or incidents of domestic violence, dating violence, sexual assault, or stalking.

In response to this request, you may complete and submit this optional form or you may submit one of the following types of third-party documentation to your housing provider:

- (1) A document signed by you and an employee, agent, or volunteer of a victim service provider, an attorney, or medical professional, or a mental health professional (collectively, “professionals”) from whom you have sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse. The document must specify, under penalty of perjury, that the professional believes the incident or incidents of domestic violence, dating violence, sexual assault, or stalking occurred and meets the regulatory definition of domestic violence, dating violence, sexual assault, or stalking;
- (2) A record of a Federal, State, tribal, territorial or local law enforcement agency, court, or administrative agency, or
- (3) At the discretion of the housing provider, a statement or other evidence provided by the applicant or tenant.

Submission of Documentation: The time period to submit documentation is 14 business days (Saturdays, Sundays, and Federal holidays do not count) from the date that you receive a written request from your housing provider asking that you provide documentation of the occurrence of domestic violence, dating violence, sexual assault, or stalking. Distribution or issuance of this form does not serve as a written request for certification. Your housing provider may extend the time period to submit the documentation. If the requested information is not provided within 14 business days of when you received the request for the documentation, or any extension of the date provided by your housing provider, VAWA does not limit your housing provider’s authority to deny you admission, assistance, participation, or tenancy. However, other laws or regulations may require your housing provider to extend the time period to submit the documentation or have alternative documentation requirements. For example, if you have a disability, your housing provider must provide reasonable accommodations to afford you an equal opportunity to request VAWA protections (e.g. providing an extension of time, assisting with written requests). Failure to timely provide documentation of domestic violence, dating violence, sexual assault, or stalking does not prevent you from challenging the denial of assistance, termination, or eviction, nor does it prevent you from raising an incident of domestic violence, dating violence, sexual assault, or stalking at grievance, eviction, or termination proceedings.

Confidentiality: All information provided to your housing provider concerning the incident(s) of domestic violence, dating violence, sexual assault, or stalking shall be kept confidential. Employees of your housing provider shall not have access to this confidential information unless explicitly authorized by your housing provider for reasons that specifically call for these individuals to have access to this information under applicable Federal, State, or local law. This confidential information shall not be entered into any shared database or disclosed to any other entity or individual, except to the extent that disclosure is: (i) consented to by you in writing in a time-limited release; (ii) required for use in an eviction proceeding or hearing regarding termination of assistance, or (iii) otherwise required by applicable law.

Reasonable Accommodation: If you have a disability, your housing provider must provide reasonable accommodations when necessary to allow you to equally benefit from VAWA protections.

TO BE COMPLETED BY OR ON BEHALF OF THE VICTIM OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING

1. Date the written request is received by victim: _____

2. Name of victim: _____

3. Name(s) of other family member(s) listed on the lease: _____

4. Residence of victim: _____

5. Name of the accused perpetrator (if known and can be safely disclosed): _____

6. Relationship of the accused perpetrator to the victim: _____

7. Date(s) and times(s) of incident(s) (if known): _____

8. Location of incident(s): _____

In your own words, briefly describe the incident(s):

This is to certify that the information provided on this form is true and correct to the best of my knowledge and recollection; that the individual named above in Item 2 is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, and that the incident(s) described above meets the applicable regulatory definition of domestic violence, dating violence, sexual assault, or stalking. I acknowledge that submission of false information could jeopardize program eligibility and could be the basis for denial of admission, termination of assistance, or eviction.

Signature _____ Signed on (Date) _____

Warning: 18 U.S.C. 1001 provides, among other things that whoever knowingly and willfully makes or uses a document or writing containing false, fictitious or fraudulent statement or entry in any matter within the jurisdiction of a department or agency of the United States shall be fined not more than \$10,000 or imprisoned for not more than five years or both.

Public Reporting Burden for this collection of information is estimated to average 30 minutes per response. This includes the time for collecting, reviewing, and reporting. Housing providers in the Offices of Multifamily Housing, Public and Indian Housing, and Community Planning and Development may request certification that the applicant or tenant is a victim of domestic violence, dating violence, sexual assault, or stalking. Tenants and applicants may use this form to certify victim status and request VAWA protections. The information is subject to the confidentiality requirements of VAWA. This

Form HUD-5382

XXXX

agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid Office of Management and Budget control number.

Appendix D

**EMERGENCY TRANSFER
REQUEST FOR CERTAIN
VICTIMS OF DOMESTIC
VIOLENCE, DATING VIOLENCE,
SEXUAL ASSAULT, OR STALKING**

**U.S. Department of Housing
and Urban Development**

OMB Approval No. 2577-0286
Exp. XXXX

Purpose of Form: If you (or a member of your household) are a victim of domestic violence, dating violence, sexual assault, or stalking, and you are seeking an emergency transfer, you may use this form to request an emergency transfer and certify that you meet the requirements of eligibility for an emergency transfer under the Violence Against Women Act (VAWA). Although the statutory name references women, VAWA rights and protections apply to all victims of domestic violence, dating violence, sexual assault, or stalking. Submitting this form does not necessarily mean that you will receive an emergency transfer. See your housing provider's Emergency Transfer Plan for more information about emergency transfers.

The requirements you must meet are:

(1) You (the tenant) are a victim of domestic violence, dating violence, sexual assault, or stalking. If your housing provider does not already have documentation that you (or your household member) are a victim of domestic violence, dating violence, sexual assault, or stalking, your housing provider may ask you for such documentation. In response, you may submit Form HUD-5382, or any one of the other types of documentation listed on that Form;

(2) You expressly request the emergency transfer. Submission of this form confirms that you have expressly requested a transfer. Your housing provider may choose to require that you submit this form, or may accept another written or oral request. See your housing provider's Emergency Transfer Plan for more details; and

(3) (A) You reasonably believe you are threatened with imminent harm from further violence if you remain in your current unit. This means you have a reason to fear that if you do not receive a transfer you would suffer violence in the very near future.

OR

(B) You are a victim of sexual assault and the assault occurred on the premises during the 90-calendar-day period before you request a transfer. If you are a victim of sexual assault, then in addition to qualifying for an emergency transfer because you reasonably believe you are threatened with imminent harm from further violence if you remain in your unit, you also qualify for an emergency transfer if the sexual assault occurred on the premises of the property from which you are seeking your transfer, and that assault happened within the 90-calendar-day period before you submit this form or otherwise expressly request the transfer.

Your reasonable belief that there is a threat of imminent harm from further violence may stem from an incident of domestic violence, dating violence, sexual assault, or stalking of a household member.

Submission of Documentation: If you have third-party documentation that demonstrates why you are eligible for an emergency transfer, you may submit that documentation to your housing provider if it is safe for you to do so. Examples of third party documentation include, but are not limited to: a letter or other documentation from a victim service provider, social worker, legal assistance provider, pastoral counselor, mental health provider, or other professional from whom you have sought assistance; a current restraining order; a recent court order or other court records; a law enforcement report or records; communication records from the perpetrator of the violence or family members or friends of the perpetrator of the violence, including emails, voicemails, text messages, and social media posts.

Confidentiality: Your housing provider must follow strict confidentiality measures to ensure that the location of your dwelling unit is never disclosed to a person who committed or threatened to commit an act of domestic violence, dating violence, sexual assault, or stalking against you. In addition, your housing provider must keep strictly confidential any information you provide concerning the incident(s) of domestic violence, dating violence, sexual assault, or stalking, including the fact that you are a survivor. Information about the incident(s) and your status as a survivor, such as the information on this form, may only be accessed by employees or contractors of your housing provider if explicitly authorized by your housing provider for reasons that specifically call for those individuals to have access to the information under applicable Federal, State, or local law. Information about the incident(s) and your status as a survivor shall not be entered into any shared database or disclosed to any other entity or individual, except to the extent that disclosure is: (i) consented to by you in writing in a time-limited release; (ii) required for use in an eviction proceeding or hearing regarding termination of assistance, or (iii) otherwise required by applicable law.

TO BE COMPLETED BY OR ON BEHALF OF THE PERSON REQUESTING A TRANSFER

1. Name of victim requesting an emergency transfer: _____
2. Your name (if different from victim's) _____
3. Name(s) of other family member(s) listed on the lease: _____

4. Name(s) of other family member(s) who would transfer with the victim: _____

5. Address of location from which the victim seeks to transfer: _____
6. Address or phone number for contacting the victim: _____
7. Name of the accused perpetrator (if known and can be safely disclosed): _____
8. Relationship of the accused perpetrator to the victim: _____
9. Date(s), Time(s) and location(s) of incident(s): _____

10. Is the person requesting the transfer a victim of a sexual assault that occurred in the past 90 days on the premises of the property from which the victim is seeking a transfer? If yes, skip question 11. If no, fill out question 11. _____

11. Does the person requesting the transfer reasonably believe there is a threat of imminent harm from further violence if the person remains in the same dwelling unit that he or she is currently occupying? _____

12. If voluntarily provided, list any third-party documentation you are providing along with this notice: _____

This is to certify that the information provided on this form is true and correct to the best of my knowledge, and that the individual named above in Item 1 meets the requirement laid out on this form for an emergency transfer. I acknowledge that submission of false information could jeopardize program eligibility and could be the basis for denial of admission, termination of assistance, or eviction.

Signature _____ Signed on (Date) _____

Warning: 18 U.S.C. 1001 provides, among other things, that whoever knowingly and willfully makes or uses a document or writing containing false, fictitious or fraudulent statement or entry in any matter within the jurisdiction of a department or agency of the United States shall be fined not more than \$10,000 or imprisoned for not more than five years or both.

Public reporting burden for this collection of information is estimated to average 30 minutes per response. This includes the time for collecting, reviewing, and reporting. Housing providers in the Offices of Multifamily Housing, Public and Indian Housing, and Community Planning and Development may ask for a written request for an emergency transfer for a tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking. Housing providers may distribute this form to tenants and tenants may use it to request an emergency transfer. The information is subject to the confidentiality requirements of VAWA. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid Office of Management and Budget control number. [FR Doc. 2017-16110 Filed: 7/31/2017 8:45 am; Publication Date: 8/1/2017]